...RARY
...COURT, U. S.
AUG ...
JAMES ...

IN THE

Supreme Court of the United States

OCTOBER TERM, 1958.

No. 243

MEYER FIELD,

Petitioner,

vs.

NUGENT R. OBERWORTMANN AND V. W. BECKING,

Respondents.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI.

ANDREW C. HAMILTON,
GEORGES DAPPLES,
PERRY S. PATTERSON,
Attorneys for Respondents.

KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS,
130 East Randolph Drive,
Chicago 1, Illinois,
Of Counsel.

INDEX.

SUBJECT INDEX.

	PAGE
Jurisdiction	1
Statement	1
Reasons for Denying the Writ	2
Conclusion	4

IN THE

Supreme Court of the United States

OCTOBER TERM, 1958.

No. 243.

MEYER FIELD,

Petitioner.

vs.

NUGENT R. OBERWORTMANN AND V. W. BECKING,

Respondents.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI.

Respondents, Nugent R. Oberwortmann and V. W. Becking, defendants in this cause, file this, their brief in opposition to petition for writ of certiorari heretofore prayed by petitioner, Meyer Field, in this court.

JURISDICTION.

Petitioner attempts to invoke the jurisdiction of this court under title 28 U. S. C. 1257 (3). Respondents deny that such jurisdiction can here be invoked.

STATEMENT.

Petitioner, by an argumentative statement embellished with irrelevant and impertinent innuendo, clearly in violation of appropriate rules of this court, attempts to

create a question arising under the National Banking Act. The issues involved are actually minor matters concerning solely the internal administration of a small banking corporation, insignificant even in such intra-mural sphere and of microscopic importance to anyone other than the parties themselves.

Specifically, petitioner seeks the extraordinary writ of mandamus to compel the respondents to amend the minutes of the Board of Directors of The North Shore National Bank of Chicago to include therein certain lengthy self-serving statements by the petitioner, for the quite apparent purpose of vilifying the respondent Oberwortmann. Said statements were mentioned in each of the minutes here called in question, but were not incorporated verbatim as desired by petitioner. This irritates petitioner. The trial court and the several reviewing courts determined that the minutes are "accurate and a complete transcription of the action taken by the Board, and that plaintiff had no legal right to have these matters recorded."

Petitioner, undaunted, seeks the intervention of this court in his petty personal feud, solely on the ground that the corporation involved is a national banking association organized pursuant to the National Banking Act. In fact, he presumes to liken the instant controversy to the *Dartmouth College* case in significance; and seeks to show a violation of substantial rights by deliberately misquoting the evidence and the questions involved.

REASONS FOR DENYING THE WRIT.

The decision below found the actions of the several defendants to be proper, and determined that the minutes as kept are accurate. There is no question of the misapplication of bank funds (as petitioner recklessly implies), nor of a ruthless censorship imposed upon the several directors by the respondent Oberwortmann. Mere inspection

of the minutes will reveal that all of the necessary or relevant statements of the petitioner are set forth therein. No proper corporate purpose could be served by including *in toto* petitioner's elaboration of his vengeful animosity against respondent Oberwortmann.

No facts were attempted to be concealed by the respondents. The court below so found. Yet petitioner asserts a deep and dark plot, without setting forth any factual basis therefor. As heretofore stated, the instant controversy is a mere "tempest in a teapot" which the petitioner attempts, by the imagery of his argument alone, to inflate into a matter of national import. Analysis of the opinion of the Appellate Court of Illinois makes it clear that no question whatsoever of material import is alleged in the original petition for mandamus.

Petitioner quotes a statement by the Comptroller of the Currency to the effect that a director of a national banking association has the right to request that accurate and appropriate records be maintained. National Bank Examiners are in fact required to determine and report to the Comptroller of the Currency, as a part of the periodic examination of every national banking association, whether adequate and proper minutes are kept of all proceedings of the Board of Directors of such banking association. At no time has there ever been any adverse criticism of the minutes of meetings of the Board of Directors of The North Shore National Bank, nor does petitioner even imply that any such criticism has ever been made by the National Bank Examiner in his report to the Comptroller of the Currency.

Further, petitioner attempts to breathe life into his faulty petition by incorporating in the appendix an opinion by the Appellate Court of Illinois in another case between the same parties, having nothing to do with the instant controversy. This is clearly a violation of the rules of

this court and the entire quotation and all reference thereto should be stricken.

These respondents submit that there is no issue presented of a dignity sufficient to cause this court to take jurisdiction.

CONCLUSION.

For the reasons stated, this petition for writ of certiorari should be denied.

Respectfully submitted,

ANDREW C. HAMILTON,
GEORGES DAPPLES,
PERRY S. PATTERSON,
Attorneys for Respondents.

KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS,
130 East Randolph Drive,
Chicago 1, Illinois,
Of Counsel.